



City of Garden Ridge

"A way of life, not just a place to live"

MINUTES CITY COUNCIL REGULAR MEETING WEDNESDAY, DECEMBER 1, 2021, 6:00 P.M.

Councilmembers Present:

Mayor Robb Erickson
Mayor Pro-Tem Lisa Swint
Councilmember John McCaw
Councilmember Jesse Valdez
Councilmember Todd Arvidson
Councilmember Kay Bower

Councilmembers Absent: None

City Staff Present:

Nancy Cain, City Administrator
Marisa Spencer, City Secretary
Kat Balbi, Assistant City Secretary/Communications Specialist
Karen Ford, Finance/HR Director
Ron Eberhardt, Police Chief
Steven Steinmetz, Public Works Director
Linda Crosland, Librarian
Cynthia Trevino, City Attorney

City Commissioners Present:

Kerim Jacaman, Vice-Chair, Planning and Zoning Commission
Dr. Jim Miller, Planning and Zoning Commissioner
Roy Leatherberry, Planning and Zoning Commissioner
Jesse Deaver, Planning and Zoning Commissioner
Keven Harshbarger, Vice-Chair, Water Commission
Jerry Barucky, Chair, Quarry Commission

1. Call to Order

With a quorum of the City Councilmembers present, Mayor Erickson called the regular meeting of the Garden Ridge City Council to order at 6:00 p.m. on Wednesday, December 1, 2021, in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

2. Roll Call: See above.

3. Pledge of Allegiance: Mayor Erickson led the Pledge of Allegiance and the Texas Pledge.

4. City/Employee Recognitions/Employee Introductions

a) Thank you card from First United Bank to Lt. Bellinger.

City Administrator Nancy Cain stated a thank you card was received from First United Bank to Lt. Bellinger for his assisting with security meetings.

b) Thank you card from the GRCPAAA to the City of Garden Ridge.

City Administrator Nancy Cain stated a thank you card was received from the GRCPAAA to the City of Garden Ridge for allowing the GRCPAAA to use the municipal complex for the Annual Car Show.

c) Recognition of Employee Service Years with the City of Garden Ridge.

City Administrator Nancy Cain recognized employees with December anniversary dates for their hard work, dedication, and tenure with the City. This recognition included: Ofc. Jefferson-1 year, Ofc. Hackenberg-6 years, and Lt. Bellinger-19 years.

5. Citizen Comment Period

John Grigsby, 21226 Stams Circle, spoke regarding the proposed QuikTrip development.

Taylor Rogers, 19421 Bat Cave Road, spoke regarding the proposed QuikTrip development.

Gabrielle Leonard, 19421 Bat Cave Road, spoke regarding the proposed QuikTrip development.

Kevin Klueh, 8926 Comanche Path, spoke regarding the proposed QuikTrip development.

Bill Pohl, 21016 Hickory Bend, spoke regarding the proposed QuikTrip development.

Darren Bates, 20103 Regency Run, spoke regarding the proposed QuikTrip development.

6. Consent Agenda

THESE ITEMS MAY BE ACTED UPON IN A SINGLE MOTION. NO SEPARATE DISCUSSION OR ACTION ON THESE ITEMS WILL BE HELD UNLESS REQUESTED BY A COUNCILMEMBER. PUBLIC COMMENT ON THESE ITEMS MAY BE HEARD DURING CITIZENS' PARTICIPATION; HOWEVER, THAT DOES NOT MEAN THE ITEM WILL BE CONSIDERED OUTSIDE THE CONSENT AGENDA.

a) Approval of Minutes for the November 3, 2021, City Council Regular Meeting.

b) Financial Statement, Summary Report, and Management's Discussion and Analysis of Results of Operations – October 31, 2021.

c) Destruction of City records in accordance with the City of Garden Ridge Records Retention Plan.

d) Approval of the Certification of Tax Levy for the Tax Year 2021 for the City of Garden Ridge.

Motion: A motion was made by Councilmember McCaw, seconded by Councilmember Valdez, to approve Consent Agenda items a)-d). The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

7. Staff Reports

a) City Administrator Monthly Activity Report.

City Administrator Nancy Cain spoke regarding upcoming events and provided City Council with an update regarding the State Infrastructure Bank Loan.

b) Finance/HR Monthly Activity Report.

Finance/HR Director Karen Ford provided City Council with an update regarding personnel and the annual audit.

c) City Secretary Monthly Activity Report.

City Secretary Marisa Spencer reviewed the monthly activity report and spoke regarding continuity of operations related to the Administrative Department.

d) Police Department Monthly Activity Report.

Chief Eberhardt reviewed the monthly activity report and spoke regarding continuity of operations related to the Police Department.

e) Public Works Department Monthly Activity Report.

Public Works Director Steven Steinmetz reviewed the monthly activity report and spoke regarding continuity of operations related to the Public Works Department.

f) Library Monthly Activity Report.

Librarian Linda Crosland reviewed the monthly activity report and spoke regarding continuity of operations related to the Library.

8. City Engineer Projects Status Reports

City Engineer Sam Johnson reviewed the Trihydro Engineering Report and spoke regarding the FM 2252 TxDOT Project, FM 2252 Wastewater Project, and Land Development Projects.

9. City Commission and Committee Reports/Recommendations/Possible Actions

a) Planning and Zoning Commission:

- 1. Petition by Eric Thomas Fischer and Mary Fischer for rezoning from Residence-Agriculture (RA) District to Neighborhood Service (B-1) District of a 1.40 acre tract of land lying in the G.M. Dolson Survey 96, Abstract No. 120, Comal County, Texas, being all of a called 1.40 acre tract of land recorded in document No. 201406013131 of the Official Public Records of Comal County, Texas. The property is located adjacent to the north property line of 19204 FM 2252 in Garden Ridge, Texas.**

1.1. Receive recommendation from Planning and Zoning Commission.

Vice-Chair Jacaman stated the Commission recommends approval of the petition for rezoning from Residence-Agriculture (RA) District and Neighborhood Service (B-1) District. Eric Thomas Fischer spoke regarding the proposed uses and addressed questions from Councilmembers.

1.2. Hold a public hearing.

Mayor Erickson opened the public hearing at 6:40 p.m.

No one wished to speak, and City Secretary Marisa Spencer stated no written comments were submitted.

Mayor Erickson closed the public hearing at 6:42 p.m.

1.3. Take action on recommendation.

The City Council discussed the petition for rezoning and the proposed uses.

Motion: A motion was made by Councilmember Arvidson, seconded by Mayor Pro-Tem Swint, to approve the Planning and Zoning Commission's recommendation and approve the petition by Eric Thomas Fischer and Mary Fischer for rezoning from Residence-Agriculture (RA) District to Neighborhood Service (B-1) District of a 1.40 acre tract of land located adjacent to the north property line of 19204 FM 2252 in Garden Ridge, Texas. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

- 2. Petition by JD Lee Dudley, on behalf of QuikTrip (QT), for property zoned Neighborhood Service (B-1) District, located at the southeast corner of the intersection of FM 3009 and FM 2252 in Garden Ridge, Texas, further described as a 2.236 acre tract of land located in the George M. Dolson Survey No. 96, Abstract 120, Comal County, Texas, and being a portion of a called 13.532 acre tract of land. The petition requests the following variances to Ordinance No. 13-122018:**

- **6.2.4.5. Neighborhood Service (B-1) District Impervious Cover.** Impervious coverage (buildings, pavements, etc.) shall not be more than one-third (1/3) of the lot area and must, in any case, allow adequate open area for wastewater treatment and disposal. The petition requests impervious cover of 88.83%.
- **6.4.1. Aquifer Protection (AP) District Use Restrictions.** The District surrounds each City well site and geologic recharge feature, within the Edwards Aquifer recharge zone, for a radius of fifteen hundred (1500) feet. The petition requests placement of underground fuel storage tanks eight hundred four feet and thirty-three inches (804.33 feet) from a City well site.
- **Appendix 2, Sign Regulations. 3.a. Business Advertising Signs.** One (1) business advertising sign not exceeding twenty-four (24) feet in perimeter is authorized for each business in the district. Advertising signs shall be attached to the building. The petition requests one (1) sixty (60) square foot building sign and two (2) twenty (20) square foot building signs. The petition further requests two (2) twenty (20) square foot signs on the Gasoline Canopy.

- **Appendix 2, Sign Regulations. 3.c. Master Pylon Signs.** One (1) free standing master pylon sign not exceeding six (6) feet in width and sixteen (16) feet in height shall be used within a business complex, shopping center, office or professional park to advertise multiple tenant units and activities. The petition requests three (3) free standing signs with the sign to be located along FM 2252 exceeding height limit by one (1) foot.

2.1. Receive recommendation from Planning and Zoning Commission.

Vice-Chair Jacaman stated the Commission recommends approval of the variances regarding Neighborhood Service (B-1) District Impervious Cover, Business Advertising Signs Regulations, and Master Pylon Signs Regulations as requested in the petition; however, the Commission recommends denial of the variance regarding the Aquifer Protection (AP) District Use Restrictions as requested in the petition.

JD Lee Dudley spoke regarding QuikTrip, the requested variances, and the proposed Master Development Plan.

2.2. Hold a public hearing.

Mayor Erickson opened the public hearing at 7:32 p.m.

Fourteen (14) citizens spoke regarding the petition and City Secretary Marisa Spencer read eleven (11) written comments submitted.

Mayor Erickson closed the public hearing at 8:30 p.m.

2.3. Take action on recommendation.

The City Council discussed the variances to Ordinance No. 13-122018, the City's Master Land Use Plan, Texas Commission on Environmental Quality regulations, and Edwards Aquifer Authority regulations. Councilmembers expressed concerns regarding the number of variances being requested, the proposed development not being consistent with the City's Master Land Use Plan, and setting a precedent for future development.

Motion: A motion was made by Councilmember McCaw, seconded by Councilmember Valdez, to deny the Planning and Zoning Commission's recommendation and deny the variance to Ordinance No. 13-122018 Section 6.2.4.5. Neighborhood Service (B-1) District Impervious Cover as requested in the petition by JD Lee Dudley on behalf of QuikTrip (QT). The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Valdez, seconded by Councilmember McCaw, to approve the Planning and Zoning Commission's recommendation and deny the variance to Ordinance No. 13-122018 Section 6.4.1. Aquifer Protection (AP) District Use Restrictions as requested in the petition by JD Lee Dudley on behalf of QuikTrip (QT). The City Council voted four (4) for and one (1) opposed (Councilmember Arvidson). The motion passed by a vote of 4-1.

Motion: A motion was made by Councilmember Bower, seconded by Councilmember Valdez, to deny the Planning and Zoning Commission's recommendation and deny the variance to Ordinance No. 13-122018 Appendix 2, Sign Regulations, Section 3.a. Business Advertising Signs as requested in the petition by JD Lee Dudley on behalf of QuikTrip (QT). The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Valdez, seconded by Councilmember Bower, to deny the Planning and Zoning Commission's recommendation and deny the variance to Ordinance No. 13-122018 Appendix 2, Sign Regulations, Section 3.c. Master Pylon Signs as requested in the petition by JD Lee Dudley on behalf of QuikTrip (QT). The City Council voted four (4) for and one (1) opposed (Councilmember Arvidson). The motion passed by a vote of 4-1.

3. Master Development Plan for QuikTrip (QT), located at the southeast corner of the intersection of FM 3009 and FM 2252 in Garden Ridge, Texas.

3.1. Receive recommendation from Planning and Zoning Commission.

Vice-Chair Jacaman stated the Commission recommends approval of the Master Development Plan for QuikTrip (QT), located at the southeast corner of the intersection of FM 3009 and FM 2252, subject to the affirmative vote of at least three-fourths of City Council overruling the Commission's recommendation to deny the variance to Ordinance No. 13-122018 Section 6.4.1. Aquifer Protection (AP) District Use Restrictions as requested in the petition by JD Lee Dudley on behalf of QuikTrip (QT).

3.2. Take action on recommendation.

Motion: A motion was made by Councilmember Valdez, seconded by Mayor Pro-Tem Swint, to deny the Master Development Plan for QuikTrip (QT), located at the southeast corner of the intersection of FM 3009 and FM 2252 as presented due to the plan not being consistent with the City's Master Land Use Plan and the Zoning Ordinance. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

4. Receive monthly activity update as applicable.

Vice-Chair Jacaman provided City Council with an update on topics discussed at the Commission's meeting.

b) Quarry Commission:

City Administrator Nancy Cain provided City Council with an update on topics discussed at the Commission's meeting.

c) Water Commission:

1. Receive recommendation regarding request for water leak adjustment for 21926 Park View Drive for the billing period of March 23, 2021 – April 23, 2021.

Vice-Chair Harshbarger provided City Council with a summary of the Commission's discussion regarding this request. He stated the Commission recommends the proposal of a credit in the amount of \$892.84 for approval by City Council, adding the amount is based on calculating the cost of water lost at the second-tier rate.

1.1. Take action on recommendation.

Motion: A motion was made by Mayor Pro-Tem Swint, seconded by Councilmember Arvidson, to approve the Water Commission's recommendation for request for water leak adjustment for 21926 Park View Drive for the billing period of March 23, 2021 – April 23, 2021, and credit the account in the amount of \$892.84. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

2. Receive recommendation regarding the amount of Transferable Water Rights for proposed QuikTrip development.

Vice-Chair Harshbarger provided City Council with a summary of the Commission's discussion regarding the calculation of transferable water rights. He stated the Commission recommends that City Council require the proposed QuikTrip development to provide the City with 2.83 acre feet of Edwards Aquifer water rights.

2.1. Take action on recommendation.

The City Council agreed by consensus that no action is needed at this time since the City Council denied the Master Development Plan for the proposed QuikTrip development.

3. Receive monthly activity update as applicable.

Vice-Chair Harshbarger provided City Council with an update on topics discussed at the Commission's meeting.

d) Wildlife Management Advisory Commission:

Mayor Erickson stated the Commission did not meet in November and there is nothing to report at this time.

e) Parks Committee:

Rod Chamberlain, Parks Committee, provided City Council with an update on the Parks Committee's projects.

f) *Volunteer Garden Ridge!*

City Administrator Nancy Cain stated *Volunteer Garden Ridge!* reported 401 hours for the month of November.

10. Approvals and Authorizations

The following items are for discussion, consideration, and action.

a) Water Rate Structure.

1. Citizen Comment Period.

No one wished to speak.

2. Take action on Water Rate Structure.

The City Council discussed the proposed Water Rate Structure including any citizen comments that Councilmembers received. Mayor Pro-Tem Swint expressed concerns regarding the impact on customers of the Water Commission's recommendation of rate option "Case C".

Motion: A motion was made by Councilmember Valdez, seconded by Councilmember Arvidson, to approve the Water Commission's recommendation and approve the rate option "Case C", a \$2.50 increase to the $\frac{3}{4}$ " meter base rate, a percentage increase based on meter size to all other base rates, and a restructuring of the tiers by dropping each tier 5,000 gallons with the first tier rate being 1,000-10,000 gallons. The City Council voted four (4) for and one (1) opposed (Mayor Pro-Tem Swint). The motion passed by a vote of 4-1.

11. Updates

a) City Council Projects.

1. City of Garden Ridge 50th Anniversary (Erickson and Bower).

Mayor Erickson and Councilmember Bower provided updates regarding the City of Garden Ridge 50th Anniversary.

12. Discussion of Future Agenda Items

Councilmember Valdez requested to discuss bulk dumpsters/brush along FM 3009 and Commissioner responsibilities and expectations.

13. Citizen Comment Period

Dr. Jim Miller, 9910 Marie Meadow, spoke regarding the Planning and Zoning Commission's recommendations.

Darren Bates, 20103 Regency Run, thanked the Mayor and City Council.

Rod Chamberlain, 8807 Cherokee Path, thanked the Mayor and City Council and spoke regarding water rates.

14. Reports and Comments from Mayor and City Councilmembers

The Mayor and/or City Councilmembers may comment, make general announcements, and/or provide progress reports on events, activities and/or committees/board meetings concerning the following:

Alamo Area Metropolitan Planning Organization, Boy Scouts and/or Girl Scouts, City of Garden Ridge sponsored events and outreach efforts, Comal ISD (Garden Ridge Elementary/Danville Middle School/Davenport High School), Counties (Bexar/Comal/Guadalupe), Families of Garden Ridge, Garden Ridge Lions Club, Garden Ridge Citizen Police Academy Alumni Association/Citizen Patrol, Garden Ridge Women's Club, Greater Bexar County Council of Cities, Northeast Partnership.

Mayor Pro-Tem Swint spoke regarding Davenport High School. Councilmember Bower spoke regarding the Garden Ridge Lions Club and the Garden Ridge Women's Club. Mayor Erickson spoke regarding Families of Garden Ridge Adopt-A-Highway Program, Davenport High School Booster Club Fundraiser, and Northeast Partnership.

15. Executive Session

The City Council will recess its open meeting and reconvene in Executive Session:

a) Pursuant to Texas Government Code Section 551.071(1) and 551.071(2) – Consultation with Attorney and 551.072 – Deliberations About Real Property.

- 1. To deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person and legal advice on same: wastewater utility easement acquisition and property acquisition for city building project and related matters.**
- 2. A matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551 regarding possible computer/data breach (Mayor's Access & PC) and related investigation.**

Mayor Erickson announced the City Council will recess at 10:01 p.m. and reconvene into Executive Session at 10:15 p.m., to discuss and seek legal advice on the items stated above.

Mayor Erickson adjourned the Executive Session and reconvened back into Regular Session at 11:01 p.m.

16. Business Items

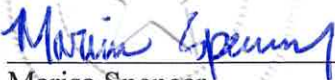
The City Council will reconvene into Regular Session upon conclusion of the Executive Session and may recall any item posted for Executive Session for action, as necessary.

No action taken.

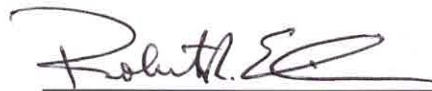
17. Adjournment

Motion: A motion was made by Councilmember Valdez, seconded by Councilmember Bower, to adjourn. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously. There being no further business, the Wednesday, December 1, 2021, City Council regular meeting was adjourned at 11:02 p.m. by Mayor Erickson.

ATTEST



Marisa Spencer
City Secretary



Robb Erickson
Mayor